

Office of Professional Accountability (OPA) Commendations & Complaints Report December 2005

Commendations:

Commendations Received in December: 84

Commendations Received to Date: 498

Name	Summary
Abraham, John	A letter was received commending the officer for his participation in the State of Colorado's legislative discussion surrounding body armor. He was very helpful and informative.
Anderson, Edward	The officer was commended for his quick response to a reported stolen vehicle which was equipped with a silent alarm system. It was tracked and recovered within a minimal amount of time after activation.
Baseley, George	The officer was commended for his thorough job of processing a burglary scene. The lifted latent prints were of comparison value.
Bernasconi, John Bogucki, Kim Cannon, Jason Clark, Carma Diaz, Adrian Durden, Jeffrey Edwards, Everett Garcia, Robert Guyer II, W. Ness, Brehon Stevens, James Stuckey, Kevin Topacio, Adonis Turner Jr, Kenneth Villaflor, Fred Williams, Tomeka Wilson, Ralph	A thank you note was received by many officers for their involvement with making the "Life Choices & The Law" Youth conference a huge success.
Blair, Thomas Cepeda, Jose Ferragamo, A. Henshaw, T. Johnson, James Salisbury, Erik Yamamoto, E.	A sergeant and six officers were thanked for their assistance in a search and rescue incident near Luther Burbank Park. The Harbor patrol provided two vessels and several divers to assist with the search. The divers performed a precise and methodical search in the area.
Brothers, Todd Ives, Stephen Singleton, K.	Three officers were commended for their assistance at a residence during a domestic dispute. They were professional, prompt and efficient in handling the situation.
Buxton, Wesley	The officer was commended for his thorough job of processing a burglary scene which resulted with a match in the AFIS database.
Carlson, Douglas Stevens, James	A thank you note was received by two officers for their contribution to the safety of our community.
Clark, Robin Johnson, Brian Kessler, Joseph Nolan, Michael Robbin, Robert	A kind letter was received commending the work done by the Traffic Section commanders and officers involved in the planning and implementation of the bus tunnel closure.

Clark, Stephen	The officer was commended for his thorough job of processing a stolen vehicle. A latent print of AFIS quality was lifted and was searched in the AFIS database with positive results.
Danley, Brian DePina, Camilo Dunn, Terry Friesen, Wesley Garner, James Griesheimer, M. Jandoc, Steven Kappel, Jeffery Lisle, Brian Marlow, Robert	One sergeant and nine officers were commended for their great example of good teamwork in apprehending a robbery suspect within minutes of the occurrence. The suspect gave a written confession and was booked for investigation of robbery.
Dixon, Roger Edwards Jr, W. Havenar, Tim Haynes, Edward McRae, Craig Powell, Clayton Pruitt, Richard Willis, Ron	A letter of appreciation and gratitude was received by the Honor Guard for their participation and assistance in kicking off the Red Ribbon Week. It is an event that has become a national symbol of drug prevention and education.
Eagle, Louis	A sergeant was recognized and thanked for going above and beyond his duties to assist two citizens. His hard work, professionalism, foresight and diligence was well appreciated.
Ellis, Elizabeth	The detective was thanked for her work on a current DV case. Without her help, the case never would have made it to a jury, and without her efforts during the trial it could not have continued. Her efforts with an uncooperative victim were exemplary.
Ellis, Randy	A letter of gratitude was received by the officer for his help during a traffic accident. His kind words, patience and smiling face made a big difference.
Emerick, Jon	The officer was commended for his thorough job of processing a theft scene. Five cards of lifted latent prints are of comparison value.
Grieve, Brett Lundin, Brian Walker, Thomas Zurcher, Richard	Four officers were commended for their work on an attempted rape case. The efforts of these officers led to the apprehension and charging of a dangerous sex offender.
Grieve, Brett Hughey, B.	Two officers received a letter commending them for their assistance with the South Snohomish County Narcotics Task Force. They were very professional in making a "low key" traffic stop in a manner as not to alert the driver that there was anything out of the ordinary. Their willingness to help without hesitation, dedication to service is a fine example of the brotherhood of law enforcement.
Lazarou, Pete Stokke, Daniel Strand, Steven	One officer and two detectives were commended for their prompt and efficient response to a car break-in and the follow-up investigation.
Lucas, Jonathan	The officer was commended for his thorough job of processing a burglary scene which resulted with a match in the AFIS database.
Morrison, Philip Wolfs, Shari	Two officers received a letter commending them for their competence, compassion and assistance shown during a bank robbery incident.
Nicholson, D. Wherley, Diane	A sergeant and a detective received a thank you note for their presentation on Mandatory Reporting. They were professional, well prepared and outstanding ambassadors for the department.
Samson, Jennifer	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. The officer was commended for her quick response.
Shelhorse, Randy	A letter of commendation was received by the officer for his response on a potential stalker call. He was kind, patient and did a fantastic job educating the

	victim about what were the best ways in which to deal with this type of situation.
Stevens, Sjon	The officer was commended for the thorough job of processing a vehicle for prints. Latent prints were lifted with positive results when compared in the AFIS database.
Tierney, Kate	The officer was commended for her thorough job of processing a stolen bank check. The inked print on the check was of comparison value and resulted in a match of the known suspect.
Torrey, Terryl	A thank you note was received by PEO Torrey for her assistance to a mother and daughter that were lost and could not find their destination.
Verhoff, Jason	The officer was thanked for his assistance with the WSLCB during his investigation of a domestic violence at a nightclub. Thanks to his investigation and interviewing of the victim and witness, the WSLCB was able to issue a violation notice along with a fine and/or suspension.
White, David	The officer was commended for his thorough job in processing a stolen vehicle. The lifted latent prints resulted in a match in the AFIS database.
Willis, Ron	The officer was commended for his thorough job of processing a robbery scene which resulted with a match in the AFIS database.
Witmer, Donald	The officer was commended for his thorough job of processing a burglary scene which resulted with a match in the AFIS database.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

December 2005 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

UNNECESSARY FORCE

Synopsis	Action Taken
The complainant alleged the named employee used unnecessary force while arresting him.	The named officer responded to an armed robbery call. The officer was concerned the subject was armed, so he approached him by surprise from the rear, grabbed him, and pinned his arms to his side. The subject got one side free, so the officer took him to the pavement. The subject continued to struggle and during handcuffing, the officer unintentionally struck the subject in the side of the head with his knee. The subject was not injured. The force was documented, screened, and reported. Finding—EXONERATED.
The complainant alleged he was stopped, detained, and searched for no reason, and that the officers were rude and made demeaning comments to him. The father alleged the officers used unnecessary force when they patted him down for weapons.	<p>The evidence showed that the officers contacted the complainant in a high crime area. Though the officers were permitted to have a social contact with the complainant, they did not have reasonable suspicion to detain him in an investigative stop, nor to search for weapons. Finding UNJUSTIFIED SEARCH/DETENTION—SUSTAINED.</p> <p>The evidence also supported that the officers made disparaging comments to the complainant and mishandled his property. Finding CUBO—SUSTAINED.</p> <p>The evidence neither proved nor disproved the allegation of unnecessary force. The complainant was not injured. Finding UNNECESSARY FORCE—NOT SUSTAINED.</p>

VIOLATIONS OF RULES/REGULATIONS/LAWS

Synopsis	Action Taken
The complainant alleged that the named employee, while off-duty, committed a violation of law by pointing a weapon at him during a traffic incident.	The prosecuting authority for the jurisdiction in which the incident occurred declined to file criminal charges. OPA-IS conducted an administrative investigation. The evidence established that the named employee, while off-duty, engaged in an argument over driving. The named employee exchanged threats and profanity with the other driver. Finding – CUBO - SUSTAINED. Violation of Rules/Regulations/Law – NOT SUSTAINED.

CONDUCT UNBECOMING AN OFFICER

Synopsis	Action Taken
The complainant alleged the named employee threatened to “pulverize” him.	The named employee was flagged down by the complainant on the street. While the employee was walking toward him, he began yelling and making rambling statements. The complainant did not make himself available to investigators despite repeated attempts. The named employee denied

	the threatening statements. Finding–UNFOUNDED.
It was alleged that the named employee interfered with a criminal investigation involving his son conducted by another agency when he contacted a witness and his mother.	The evidence established that the employee met with a witness against his son and the witness' mother and stated that the witness' questioning by deputies of another agency had been improper. The witness' mother felt intimidated by the employee, and stated her son did as well. Finding–NOT SUSTAINED.
The complainant alleged the named employee used profanity and was unprofessional when she contacted him following a traffic collision at her place of employment.	The employee admitted that he used profanity when he responded to the call. Finding–SUSTAINED.
Complainants alleged that the named employee shoved a beer can into the mouth of a man he was contacting for drinking in public.	The evidence showed that the officer contacted the subject and told him to put his beer down. The subject took another drink. The officer said that he swiped the beer can away from the subject's mouth, and that the contact between the can and the mouth was incidental. Finding–SUPERVISORY INTERVENTION.

IMPROPER SEARCH

Synopsis	Action Taken
Complainants alleged an improper strip search following an arrest for narcotics.	The evidence supported that the strip search was conducted in the presence of others, in violation of Department policy. In addition, the supervisor was not present when the strip search was conducted, also a violation of policy. The evidence did not support that the search included a body cavity search. Finding IMPROPER SEARCH–SUSTAINED.

December 2005 Cases Selected for Mediation:

Cases described below were referred for mediation.

The complainant alleged that as he was trying to “clean up his business,” he was harassed by two employees. He alleged that the named employees had threatened to arrest him and take him to jail.

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

Referred for Supervisory Resolution.

Training or Policy Recommendation means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

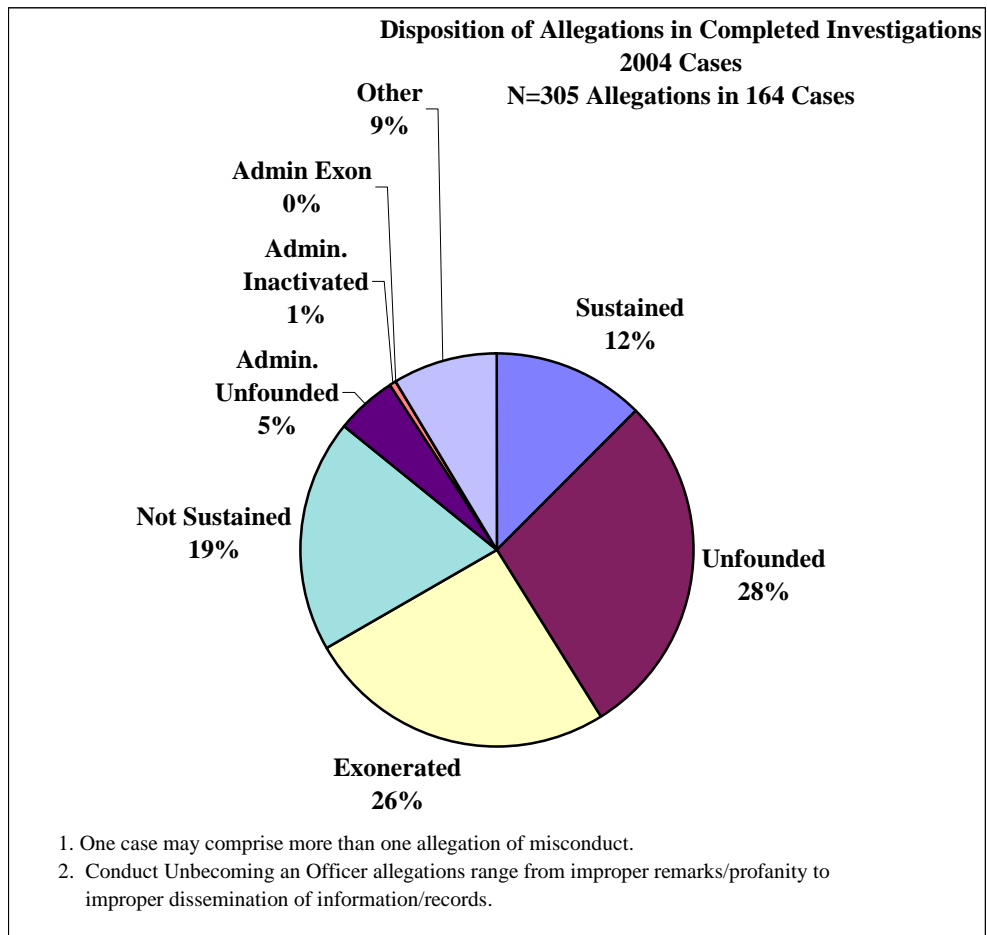
“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date: 2004 Contacts

	December 2004	Jan-Dec 2004
Preliminary Investigation Reports	8	242
Cases Assigned for Supervisory Review	2	50
Cases Assigned for Investigation (IS;LI)	9	188
Cases Closed	20	164*
Commendations	41	702

*includes 2004 cases closed in 2005



2005 Contacts

	Dec 2005	Jan-Dec 2005
Preliminary Investigation Reports	23	315
Cases Assigned for Supervisory Review	5	76
Cases Assigned for Investigation (IS;LI)	8	211
Commendations	84	498